

ORDINANCE NO. 20220208-00

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF CONSIDERING AMENDMENTS TO THE CITY CHARTER OF THE CITY OF ANGLETON; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Angleton, Texas, wishes to order a special election for the purpose of considering possible amendments to the City Charter, by the qualified voters of the City of Angleton pursuant to the Texas Election Code, the Angleton City Charter and City ordinances; and

WHEREAS, the City Council of the City of Angleton, Texas appointed a five (5) member Charter Review Commission to determine whether any Charter provisions require revision; and

WHEREAS, the Charter Review Commission met from July 2021 to December 2021 to review the City Charter and in December 2021 the Commission finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the City Council of the City of Angleton, Texas has reviewed the proposed changes by the Charter Review Commission and wishes to submit charter amendments to the Charter for submission to the qualified voters of the City on the next uniform election date, May 7, 2022; and

WHEREAS, pursuant to the Texas Local Government Code Sec. 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, an Ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. A Special Election is hereby called and ordered shall be conducted on Saturday, May 7, 2022; for the purpose of considering possible amendments to the City Charter, by the qualified voters of the City of Angleton.

SECTION 2. The City of Angleton is hereby authorized to contract with Brazoria County for joint election services. In the event of a conflict between this Ordinance and the Agreement, the Agreement shall control.

SECTION 3. The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote “FOR” or “AGAINST” the proposition. Voters should place an “X” in the square beside the statement indicating the way they wish to vote.

SECTION 4. The measures to be submitted to the qualified voters of the City at the election will be set forth in a separate Ordinance and in accordance with the Texas Local Government Code and City Charter.

SECTION 5. The Brazoria County Election Officer is appointed to serve as the City’s Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City’s joint elections. The Brazoria County Election Officer assumes the responsibility for recruiting election personnel and training thereof. The City Secretary of the City of Angleton will perform those election duties listed below and any other election duties that may not be delegated to another governmental entity:

1. Preparing, adopting, and publishing all required election orders, ordinances, notices, and other documents, including bilingual material, evidencing action but the City of Angleton necessary for the conduct of the election; and
2. Preparing the text for the City’s official ballot in English and Spanish, as required by law; and
3. Assist the County whenever possible when required; and
4. Conduct the official canvass of the City’s election records; and
5. Serve as the custodian of the City’s election records; and
6. Filing the participating entity’s annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

Amendments

Sec. 1.01. Form of government.

The municipal government provided by this Charter shall be known as the "council- manager" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "city council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall be held responsible to the city council for the execution of the laws and the administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution, or the statutes of this state.

[Deleted in portion]

Sec. 1.02. Boundaries.

Field notes of the incorporation lines of the City of Angleton in Brazoria County, Texas, as of said field notes being compiled from the field notes of the original incorporation lines (January 27, 1913) and field notes of areas subsequently annexed, reference being made to city limits as they exist. An official map shall be maintained and posted in City Hall so that it is accessible to the citizens. In the event of a change to the city boundaries and official map the city map will be posted within a reasonable time.

Sec. 1.03. Annexation for all purposes.

The city council shall have the power by ordinance to fix the boundary limits of the City of Angleton, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory subject to such procedural rules as may be prescribed by law.

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Sec. 1.04. Contradiction of boundaries.

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

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Sec. 6.01. General powers.

The qualified voters of the City of Angleton, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the recall, initiative and referendum except for adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption amendment, or repeal of zoning districts or regulations; the setting of rates, fees, charges, or assessments; approval of the issuance of bonds; or any other ordinance not subject to initiative as provided by state statute or common law.

Sec. 6.03. Petitions for recall.

Notice of petition

- (a) The notice of intent to circulate a petition required by this subsection must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of a recall petition.
- (b) Any registered voter of the City may commence recall proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition. Additionally, a petition for recall may be filed any time after the election of the person sought to be removed.
- (c) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the

person whose signature it purports to be, and that oath must be memorialized on the petition.

Before the recall of any officers shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary and said petition shall be signed by qualified voters of the city equal in number to at least 40 percent of the number of votes cast at the last regular municipal election of the city, but in no event less than 400 such petitioners. The petition and all the signatures must satisfy the requirements for petitions and signatures of qualified voters as set forth below, and in the Texas Election Code or any amendments thereto and it shall be the duty of the city secretary to verify said petition and signatures meet said requirements before said petition is submitted to the city council.

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Sec. 6.04. Form of recall petition.

The recall petition must be addressed to the city council of the City of Angleton, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which they are charged. One of the signers of each separate petition shall make an affidavit that the signer only personally circulated such petition and that each signature appended thereto was made in their presence and is the genuine signature of the person whose name it purports to be.

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Sec. 6.05. Various papers constituting petition.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as may be amended from time to time. The one instrument comprising a recall petition and filed with the person performing the duties of city secretary are to be filed on the same day, and the said secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to their Angleton address.

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Sec. 6.10. Result of recall election.

If a majority of the votes cast at a recall election shall be "NO," that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as provided herein. If a majority of the votes cast at such an election be "YES," that is, for recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the city council are filled, as provided in this Charter. Any such officer who has been recalled shall be disqualified from filling the vacant position created by the recall of such officer and shall not be qualified to fill such position again until after the expiration of the term for which he was elected.

(As amended 4-2-83)

Sec. 6.11. Recall, restrictions thereon.

No recall petition shall be filed against any officer of the City of Angleton within three months after his election, nor within six months after an election for such officer's recall nor within six months of expiration of a term of such officer. In no event shall any city funds be expended to provide for the defense of or representation of any officer of the City of Angleton in connection with the recall of said officer.

Sec. 6.12. Failure of city council to call an election.

In case all the requirements of this Charter shall have been met and the city council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said city council by the provisions of this Charter with reference to such recall, then the county judge of Brazoria County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of city secretary or by the city council.

Sec. 6.13. Initiative.

Notice of Petition

Qualified voters of the City of Angleton may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city.

- (a) The notice of intent to circulate a petition required by this subsection to initiate legislation must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of an initiation petition.
- (b) Any registered voter of the City may commence initiative proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition.
- (c) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition

Said petition must be signed by qualified voters of the city equal in number to 30 percent of the number cast at the last regular municipal election of the city, or 150 qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed as provided for in the requirements for signatures on petitions as set forth in the Texas Election Code or any amendments thereto. Such petition shall be filed with the person performing the duties of city secretary and within ten days after the filing of such petition, the person performing the duties of city secretary shall present a copy of said petition and proposed ordinance or resolution to each member of the city council. Upon presentation to city council, it shall become the duty of the city council, at the next regular meeting, or within thirty days, whichever is earlier to either pass and adopt such ordinance or resolution or to call a special

election, to be held on the earliest date allowed by the election laws of the State of Texas. However, if any other municipal election is to be held within 78 days after the filing of the petition, the question may be voted on at such uniform election date.

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Sec. 6.14. Referendum.

Notice of Petition

Qualified voters of the City of Angleton may initiate repeal of legislation by submitting a petition for referendum addressed to the city council which requests the repeal of legislation to a vote of the qualified voters of the city.

- (d) The notice of intent to circulate a petition required by this subsection to repeal legislation must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of a referendum petition.
- (e) Any registered voter of the City may commence referendum proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition. Additionally, a petition for referendum may be filed any time after the passage of the legislation sought to be repealed.
- (f) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.

Qualified voters of the City of Angleton may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes or issuing tax or revenue bonds, passed by the city council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation, as provided in section 6.13 of this Charter and shall be submitted to the person performing the duties of city secretary. Immediately upon filing of such petition, the city secretary shall present said petition to the city council. Thereupon the city council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in section 6.13 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

A petition for referendum that failed may not be submitted again for two years.

Sec. 6.16. Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them as required by the Texas Election Code, as amended. and shall also set forth upon separate lines the words:

"FOR the ORDINANCE," and
"AGAINST the ORDINANCE," or
"FOR the RESOLUTION," and
"AGAINST the RESOLUTION"

[Deleted in portion]

Sec. 6.17. Publication of proposed and referred ordinances.

The person performing the duties of city secretary shall publish at least once in accordance with the Texas Election Code, as amended.

[Deleted in portion]

~~Sec. 6.19. Inconsistent ordinances.~~

~~If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.~~

[Deleted in its entirety]

~~Sec. 6.20. Ordinances passed by popular vote, repeal or amendment.~~

~~No ordinances or resolutions which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition or by submission as provided in section 6.15 of this Charter.~~

[Deleted in its entirety]

~~Sec. 6.21. Further regulations by city council.~~

~~The city council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.~~

[Deleted in its entirety]

~~Sec. 6.22. Franchise ordinances.~~

~~Nothing contained in this article shall be construed to be in conflict with any of the provisions of article 9 of this Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.~~

[Deleted in its entirety]

Sec. 7.01. Platting of property.

- (a) The City Council shall create a Planning Commission and a Zoning Commission, and may combine or, after being combined, separate the same at its discretion.

Every owner of any tract of land situated within the corporate limits of the City of Angleton who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the city shall comply with the provisions of city code of ordinances as amended.

- (b) The provisions of section 7.01(a) shall apply similarly to the owner of any tract of land situated within the area of extraterritorial jurisdiction of the City of Angleton.

[Deleted in portion]

Sec. 7.02. Development of property.

~~The City Council is authorized to cooperate with persons interested in development of property situated within or beyond the corporate limits of the city, but the city may not expend public funds for property development unless the use of public funds accomplishes a public purpose and complies with the laws and the constitutions of the State of Texas and the United States.~~

[Deleted in its entirety]

Sec. 7.03. Planning commission.

~~The city council shall appoint a city planning commission consisting of seven members who shall be residents of the City of Angleton, real property owners and shall not be employees of the city.~~

- ~~(1) Term of office. Three members shall be appointed in each odd number year, and four members shall be appointed in each even numbered year, within 30 days after each regular city election to serve a term of two years.~~
- ~~(2) Rules of procedure. The commission shall elect, annually, one of its number chairman, and shall establish its own rules of procedure which shall include the following. A quorum shall consist of a majority of the members of the commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept by the person performing the duties of the city secretary and shall be a public record.~~
- ~~(3) Vacancies. Membership on the planning commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the city council that a vacancy in the planning commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within 30 days by appointment by the city council for the remainder of the unexpired term.~~

~~(4) Powers and duties. The commission shall have the power and shall be required to:~~

- ~~a. Amend, extend and add to the master plan for the physical development of the city;~~
- ~~b. Recommend to the city council approval or disapproval of plats of proposed subdivisions submitted in accordance with city ordinance number 333 as adopted or hereafter amended. (As amended 4-1-69);~~
- ~~c. Recommend to the city council approval or disapproval of proposed changes in the zoning plan;~~
- ~~d. Make, and recommend to the city council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city;~~
- ~~e. Recommend to the city council the amendment, extension and revision of the building code, which code shall include the minimum standard of construction for building, the minimum standards for plumbing, and the minimum standards for wiring;~~
- ~~f. Submit annually to the city manager, not less than 90 days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year;~~
- ~~g. Meet no less than once each month when there is business pending that is legally ripe for consideration as required by state law, meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in a newspaper in general circulation in the City of Angleton;~~
- ~~h. Perform such other duties and be vested with such other powers as the city council shall from time to time prescribe.~~

~~(5) Liaison with city council. The city manager or his representatives shall attend the meetings of the planning commission and shall serve as liaison between the planning commission and the city council.~~

[Deleted in its entirety]

Sec. 7.02. Zoning board of adjustment.

The city council shall appoint a zoning board of adjustment in accordance with State law, of five members who shall be citizens of the City of Angleton, shall be appointed to serve for a term of two years, shall adopt the rules in accordance with the zoning ordinances of the city, shall select one of their number chairman, and shall meet at the call of said chairman and at such other times as the board may determine. All meetings of such board shall be open to the public and minutes shall be kept of all proceedings by the person performing the duties of the city secretary, showing the vote of each member present upon every question. The board shall have all powers granted in V.T.C.A., Local Government Code §§ 211.001—211.013, as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exception to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedures specified in the zoning ordinance.

[Deleted in portion]

Sec. 7.05. Alternate zoning commission.

The city planning commission may, at the discretion of the city council, act as the city zoning board.

[Deleted in its entirety]

Sec. 8.02. Preparation and submission of budget.

The City Manager shall submit the annual budget to the City Council no later than sixty (60) days before the beginning of the Fiscal Year.

The budget shall be accompanied by a report from the City Manager, with supporting schedules and exhibits, setting forth a complete financial plan for operation of the City during the coming fiscal year, with suitable explanation of any major changes in the cost of operation or the financial policy with supporting documentation as necessary.

The city manager, between 60 and 90 days prior to the beginning of each fiscal year, or as soon as practicable after all necessary information is obtained from the county appraisal and taxing authorities, shall submit to the council a proposed budget, which budget shall provide a complete financial plan for the fiscal year and shall contain the following:

- (1) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy;
- (2) A consolidated statement of anticipated receipts and proposed expenditures for all funds;
- (3) An analysis of property valuations;
- (4) An analysis of tax rates;
- (5) Tax levies and tax collections by years for at least the immediate past five years;
- (6) General fund resources in detail;
- (7) Special fund resources in detail;
- (8) Summary of proposed expenditures by function, department and activity;
- (9) Detailed estimates of expenditures shown separately for each activity to support the summary (8) above;
- (10) A revenue and expense statement for all types of bonds;
- (11) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding;
- (12) A schedule of requirements for the principal and interest of each issue of bonds;
- (13) The appropriation ordinance;
- (14) The tax levying ordinance.

[Deleted and replaced in its entirety]

~~Sec. 8.03. Anticipated revenues compared with other years in budget.~~

~~In preparing the budget, the city manager shall place in parallel columns opposite the several items of revenue the actual amount of each item for the last complete fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.~~

[Deleted in its entirety]

~~Sec. 8.04. Proposed expenditures compared with other years.~~

~~The city manager, in the preparation of the budget shall place in parallel columns opposite the various items of expenditures the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.~~

[Deleted in its entirety]

~~Sec. 8.05. Budget a public record.~~

~~The budget and all supporting schedules shall be filed with the person performing the duties of city secretary, submitted to the council and shall be a public record. The city manager shall provide copies for distribution to all interested persons.~~

[Deleted in its entirety]

~~Sec. 8.06. Notice of public hearing on budget.~~

~~The city shall cause to be published in a newspaper of general circulation in the City of Angleton, a notice of the hearing setting forth the time and place thereof. Requirements governing the publication date (not content) for said notice shall be in accordance with the requirements established by the State of Texas for publication of the hearing for increasing the effective tax rate, regardless whether a tax rate increase is actually proposed.~~

[Deleted in its entirety]

~~Sec. 8.07. Public hearing of budget.~~

~~At the time and place set forth in the notice required by section 8.06, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the budget submitted, and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.~~

[Deleted in its entirety]

~~Sec. 8.08. Proceedings on budget after public hearings.~~

~~After the conclusion of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.~~

[Deleted in its entirety]

~~Sec. 8.09. Vote required for adoption.~~

~~The budget shall be adopted by the favorable vote of a majority of the members of the whole city council.~~

[Deleted in its entirety]

~~Sec. 8.10. Date of final adoption.~~

~~The budget shall be finally adopted within the time frame provided by law for adopting a tax rate and should the city council fail to so adopt a budget, the then existing budget, together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.~~

[Deleted in its entirety]

~~Sec. 8.11. Effective date of budget; certification; copies made available.~~

~~Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of city secretary and the county clerk of Brazoria County. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons, and civic organizations.~~

[Deleted in its entirety]

~~Sec. 8.12. Budget established appropriations.~~

~~From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.~~

[Deleted in its entirety]

~~Sec. 8.13. Budget established amount to be raised by property tax.~~

~~From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year, provided, however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.~~

[Deleted in its entirety]

~~Sec. 8.14. Contingent appropriation.~~

~~Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three per centum of the total budget to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him, after approval by the city council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.~~

[Deleted in its entirety]

~~Sec. 8.15. Estimated expenditures shall not exceed estimated resources.~~

~~The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the national committee on governmental accounting or some other nationally accepted classification.~~

[Deleted in its entirety]

~~Sec. 8.16. Budget amendments.~~

~~The city budget may be amended and appropriations altered for municipal purposes in accordance with state law.~~

[Deleted in its entirety]

~~Sec. 8.17. Purchase procedure.~~

~~All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which~~

~~the contract or order is to be issued. All purchases made and contracts executed by the city shall be made in accordance with the requirements of this Charter and all applicable requirements of the Constitution and Statutes of the State of Texas. All contracts for purchases or expenditures must be expressly approved in advance by the council, except that the council may by ordinance confer upon the city manager, general authority to contract for and pay expenditures without further approval of the council for all budgeted items the cost of which does not exceed 50 percent of the amount for which state law requires competitive bidding or competitive proposals.~~

[Deleted in its entirety]

~~Sec. 8.18. Disbursement of funds.~~

~~All checks, vouchers or warrants for the withdrawal of money from the city depository shall~~

[Deleted in its entirety]

~~Sec. 8.19. Reserved.~~

~~Editor's note(s) — Charter amendment of May 12, 2007, deleted § 8.19, which pertained to the department of taxation.~~

[Deleted in its entirety]

~~Sec. 8.21. Property subject to tax; method of assessment.~~

~~All real and personal property within the City of Angleton not expressly exempted by law, shall be subject to annual taxation in the manner provided for in V.T.C.A., Tax Code.~~

[Deleted in its entirety]

~~Sec. 8.22. Board of equalization; appointment; qualification.~~

[Deleted in its entirety]

~~Sec. 8.23. Powers of board of equalization.~~

[Deleted in its entirety]

~~Sec. 8.24. Records of board of equalization.~~

[Deleted in its entirety]

~~Sec. 8.25. Taxes; when due and payable.~~

~~All taxes due the City of Angleton shall be payable at the office of the city assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the city council may provide by ordinance. The city council may provide further by ordinance that all taxes, either current or delinquent, due the City of Angleton may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the year in question, unless otherwise provided by law. These services and the office of the city assessor-collector are being performed by Brazoria County through an interlocal agreement.~~

[Deleted in its entirety]

~~Sec. 8.26. Tax liens.~~

- ~~(a) The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien charge or encumbrance on the property in favor of the city, for the amount of taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January 1 in each year until the taxes are paid, and the statute of limitations shall not apply. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.~~
- ~~(b) All persons or corporations owning or holding personal property or real estate in the City of Angleton on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the City of Angleton is hereby made liable for all of said taxes, whether the same be due upon personal or real property or upon both.~~

[Deleted in its entirety]

Sec. 8.27. Tax remissions, discount and correction of error.

~~The city council or any other official of the city shall never extend the time for the payment of taxes except as herein provided, or remit, or discount any tax legally due the city, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the city for such year or years, provided, however, that this provision shall not prevent the discounting of any tax suit or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such discount or correction of errors shall first have the approval of the city council.~~

[Deleted in its entirety]

Sec. 8.04. Issuance of bonds.

The City of Angleton shall have the power to issue bonds and levy a tax to support the issue for permanent improvements and all other lawful purposes.

- ~~(1) General obligation bonds. The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of the State of Texas and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.~~
- ~~(2) Revenue bonds. The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the constitution and laws of the State of Texas and to issue revenue bonds to evidence the obligation created thereby, and to issue refunding bonds to refund outstanding revenue bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.~~
- ~~(3) Sale of bonds. No bonds (other than refunding bonds issued to refund and in exchange of previously issued outstanding bonds) issued by the city shall be sold for less than par value and accrued interest. All bonds of the city having been issued and sold in accordance with the terms of this section, and having been delivered to the purchasers thereof shall thereafter be incontestable and all bonds issued to refund and in exchange of outstanding bonds previously issued shall, after said exchange be incontestable.~~

[Deleted in portion]

Sec. 8.29. Reserved.

[Deleted in its entirety]

Sec. 9.02. Power to grant franchise.

The council shall have the power, by ordinance, to grant, renew, extend and amend, all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than 30 years from the date of grant, renewal or extension.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be exclusive.

~~Sec. 9.03. Grant not to be exclusive.~~

~~No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be exclusive.~~

[Incorporated into 9.02]

~~Sec. 9.04. Ordinances granting franchise.~~

~~All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two separate regular meetings of the council, and shall not be finally passed until 30 days after the first reading, and no such ordinance shall take effect until 30 days after its final passage, and the full text of such ordinance shall be published once, within 15 days following the first reading, in the official newspaper of the city, and the expense of such publication shall be borne by the prospective franchise holder.~~

[Deleted in its entirety]

~~Sec. 9.05. Transfer of franchise.~~

~~No public utility franchise shall be transferable except with the approval of the council expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.~~

[Deleted in its entirety]

~~Sec. 9.06. Franchise value not to be allowed.~~

~~No value shall be assigned to any franchise granted by the city in fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.~~

[Deleted in its entirety]

~~Sec. 9.10. Sales of municipal services.~~

~~The Council shall have the power and authority to:~~

- ~~(1) In or outside the limits of the city, sell and distribute water, sell and provide sewer service, provide for garbage and trash collection and disposition, and to provide similar services;~~
- ~~(2) Prescribe the kind of materials used within or beyond the limits of the city for such municipal services, inspect the same and require such materials to be kept in good order and condition at all times, make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with same.~~

[Deleted in its entirety]

~~Sec. 10.02. Public records.~~

~~All public records of every office, department or agency of the city shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this section.~~

[Deleted in its entirety]

~~Sec. 10.03. Official newspaper.~~

~~The council shall have the power to contract annually with, and by resolution designate, a public newspaper of general circulation in the city as official organ thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the city, or by the constitution and laws of the State of Texas, to be published.~~

[Deleted in its entirety]

~~Sec. 10.09. Continuation of budget.~~

~~The budget adopted for the city for the fiscal year September 1, 1966 to August 31, 1967 shall be and become the budget for the same fiscal year under this Charter.~~

[Deleted in its entirety]

~~Sec. 10.10. Effect of Charter on existing law.~~

~~All codes, ordinances, resolutions, rules and regulations in force in the city on the effective date of this Charter, and not in conflict with this Charter shall remain in force until altered, amended or repealed by the council. All taxes, assessments, liens, encumbrances and demands, of~~

~~or against the city, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when property [properly] fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.~~

[Deleted in its entirety]

~~Sec. 10.11. Interim municipal government.~~

~~Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the city council shall be elected as provided in section 1, article III of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City of Angleton which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided for in this Charter. Persons who, on the effective date of this Charter, are filling elective offices, that by this Charter are made appointive offices shall continue to serve in those offices for the terms to which they were elected.~~

[Deleted in its entirety]

Sec. 10.08. Amending the Charter.

1. Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.

2. NON-SUBSTANTIVE REVISIONS.

(a) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:

- (1) Renumbering, revising titles, and rearranging parts thereof;
- (2) Correcting errors in spelling, grammar, cross-references, and punctuation; and
- (3) Revising language to reflect modern usage and style.

(b) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

Sec. 10.09. Severability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

[Deleted in portion]

Sec. 10.10. Charter review commission.

Every five years the city council shall appoint at its first regular meeting in October a charter review commission of five citizens of the City of Angleton.

- (1) Duties of the commission. It shall be the duty of such charter review commission to:
 - a. Inquire into the operations of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing;
 - b. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the city government;
 - c. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 - d. Report its finding and present its proposed amendments, if any, to the city council.
- (2) Action by the city council. The city council shall receive any report presented by the charter review commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.
- (3) Term of office. The term of office of such charter review commission shall be twelve months and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of city secretary and shall become a public record.

[Deleted in portion]

~~Sec. 10.16. Submission of Charter to voters.~~

~~The charter commission, in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the charter commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City~~

~~of Angleton at an election to be held for that purpose on the 17th day of February, 1967. Not less than 30 days prior to such election the city council shall cause the city secretary to mail a copy of this Charter to each qualified voter of the City of Angleton as appears from the latest city tax collector's roll. Within five days after such election, the city council shall canvass the votes and, if the Charter is adopted by a majority of the qualified voters in said election, the city council shall enter upon the records of the city an official order declaring the Charter adopted and this Charter shall take effect immediately, and the city secretary shall file an official copy of the Charter with the records of the city. The city secretary shall furnish the mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the city, shall be forwarded by the mayor to the secretary of state of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.~~

[Deleted in its entirety]

Section 10.12. Transition elections

In order to provide for a smooth transition from a six-member council elected to three terms of two years per term to a six-member council elected to three-year terms, as provided in Article 3 of this Charter, the following election schedule shall be followed until such time as all Council Members are elected to three-year staggered terms:

2022

Council position 1 shall be elected to a three-year term to expire	2025
Council position 5 shall be elected to a three-year term to expire	2025
Council position 3 shall be elected to a two-year term to expire	2024

2023

Council position 2 shall be elected to a three-year term to expire	2026
Council position 4 shall be elected to a three-year term to expire	2026

2024

Mayor shall be elected to a three-year term to expire	2027
Council position 3 shall be elected to a three-year term to expire	2027

2025

Council position 1 shall be elected to a three-year term to expire	2028
Council position 5 shall be elected to a three-year term to expire	2028

2026

Council position 2 shall be elected to a three-year term to expire	2029
Council Position 4 shall be elected to a three-year term to expire	2029

2027

Mayor shall be elected to a three-year term to expire	2030
Council position 3 shall be elected to a three-year term to expire	2030

SECTION 6. That early voting, in said election, shall be designated by Brazoria County Elections Division. Requests for applications for early voting ballots, by mail, should be mailed to Joyce Hudman, County Clerk, 111 E Locust, Suite 200, Angleton, Tx 77515-4654.

SECTION 7. If any part or portion of this Ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this Ordinance.

SECTION 8. This Ordinance shall serve as the Order of Election (as required by Section 3.001 of the Code) for the Special Election. A copy of the Ordinance shall be posted on the bulletin board used for posting notices of the meeting of the City Council at least twenty-one (21) days before the election. Notice of Special Election (as required by Section 4.001 of the Code) shall be published on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) before the election.

SECTION 9. The election shall be held in accordance with Constitution of the State of Texas and the Texas Election Code and all resident, qualified voters of the City shall be eligible to vote at the election.

SECTION 10. The Mayor and City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Code in carrying out and conducting the election, whether or not expressly authorized by this Order.

SECTION 11. The Brazoria County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 7, 2022. The official canvass, tabulations and declaration of the results of the election shall be conducted by the City Council at a regular meeting held in accordance with provisions of the Texas Elections Code.

SECTION 12. That the City Secretary shall serve a duly certified copy of this Ordinance and the Notice of Election on the Brazoria County Clerk not later than the 60th day before election day.

SECTION 13. This Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 8TH DAY OF FEBRUARY 2022.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, CMC
City Secretary